



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,266	10/15/1999	ROLAND R. THOMPSON	98-40287-US-	9982

27510 . 7590 03/14/2002

KILPATRICK STOCKTON LLP
607 14TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20005

EXAMINER

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
----------	--------------

2163

DATE MAILED: 03/14/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

50

Office Action Summary

Application No.

09/419,266

Applicant(s)

THOMPSON ET AL.

Examiner

C. Michelle Colon

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 and 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,10-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,9,10. 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on October 15, 1999. Claims 1 – 28 are now pending in this application. Claims 2 – 4 and 7 – 9 have been withdrawn from consideration and claims 1, 5, 6 and 10 – 28 have been examined.

Information Disclosure Statement

2. The examiner has reviewed the patents and publications supplied in the Information Disclosure Statements (IDS) provided on August 3, 2000, January 15, 2002 and February 12, 2002.

Drawings

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1, 5, 6 and 10 – 28, drawn to a substitute fulfillment system, classified in class 705, subclass 9.
 - II. Claims 2 and 7, drawn to an absence and entitlement system, classified in class 705, subclass 11.

III. Claims 3, 4, 8 and 9, drawn to a notification system, classified in class 705, subclass 7.

5. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as in a human resource application that maintains employees' vacation and sick leave.

Invention II as applied in the previous example, does not require a substitute fulfillment system as recited in invention I to be a useful and effective application for maintaining absence and entitlement. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as in a business where management periodically informs employees of changes in policies, procedures and other company events.

Invention III as applied in the previous example, does not require a substitute fulfillment system as recited in invention I to be a useful and effective notification system. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility

Art Unit: 2163

such as in a business where management periodically notifies employees of changes in policies, procedures and other company events.

Invention III as applied in the previous example, does not require an absence and entitlement system as recited in invention II to be a useful and effective notification system. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Thomas Corrado on March 4, 2002, a provisional election was made with traverse to prosecute Invention I, claims 1, 5, 6 and 10 – 28. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 2 – 4 and 7 – 9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that

Art Unit: 2163

the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

The abstract was found to be longer than 150 words.

The abstract should be revised to limit its discussion to the elected invention.

Correction is required.

Claim Objections

8. Claims 1, 26 and 27 is objected to because of the following informalities:

Claim 1. contains the words "schools, school districts" twice. The second set should be removed.

Claims 26 and 27 contain the phrase, "...one of the substitute worker..." The phrase should read "...one of the substitute workers..."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

10. Claims 1, 5, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Donnelly et al. (U.S. 6,049,776).

As per claim 1, Donnelly et al. disclose a computer-implemented substitute fulfillment system that identifies and secures substitute workers for a plurality of different organizations, comprising:

a central server that processes information associated with a plurality of different organizations (col. 8, lines 15 – 23; reference number 11 in Figures 1 and 2);

a central database coupled to the central server, the central database including records that store substitute fulfillment data associated with each of the plurality of different organizations, wherein for each of the different organizations the fulfillment data includes worker records representing workers that may be absent from the organization and substitute worker records representing substitute workers that may be used to fill a position of an absent worker (col. 8, lines 15 – 23; col. 9, line 31 – col. 10, line 39; col. 11, lines 30 – 35; col. 11, line 62 – col. 12, line 3; col. 12, lines 26 – 62; reference number 11 in Figures 1 and 2);

a plurality of local processors that are remote from the central server, each of the local processors being associated with one of the different organizations and having a separate local database coupled thereto, wherein each local database is associated with one of the different organizations and includes worker records representing workers that may be absent from the organization and substitute worker records representing substitute workers that may be used to fill a position of an absent worker (col. 9, line 31 – col. 10, line 39; reference number 22 in Figure 2b);

wherein said organizations comprise one or more of schools, school districts, retail banks, branch offices of banks, convenience stores, manufacturing facilities, fire departments, police departments, hospitals, transportation departments, airlines and temporary worker agencies (col. 1, lines 42 – 43; The reference mentions substitute fulfillment issues that apply to organizations that are “diverse in scope.” Since the reference addresses those substitute fulfillment issues, it also applies to organizations that are diverse in scope.);

wherein the central database maintains each of the records on each local database in parallel with a corresponding record on the central database by periodically updating the records on the local databases in response to data changes on the central database, and wherein each local database maintains records on the central database in parallel with corresponding records on the local database by periodically updating the records on the central databases in response to data changes on the local database (col. 8, lines 15 – 23; col. 9, line 31 – col. 10, line 39; col. 11, lines 30 – 35; col. 11, line 57 – col. 12, line 10; col. 12, lines 26 – 62; reference number 11 in Figures 1 and 2);

at least one telephone communication link coupled to the central server, wherein the telephone communication link provides information representing absent workers to the central server, the central server identifies one or more of the substitute workers in response to the information representing absent workers, and the central server communicates information representing positions to be filled to substitute workers via the telephone communication link or an internet communication link (col. 8, lines 38 –

46; col. 12, line 26 – col. 13, line 4; col. 13, lines 51 – 65; col. 26, lines 44 – 54; col. 29, lines 46 – 52; reference number 41 in Figure 1; Figures 2 – 5); and

wherein the central server periodically transmits reports that include absentee and substitute information to each of the different organizations via the telephone communication link or the Internet communication link (col. 3, lines 30 – 33; Figure 14; Figure 37; Figure 39; Figure 53; Figure 61; Figure 66; The reference enables users to view reports regarding absentee and substitute information by using the central server interface.).

As per claim 5, Donnelly et al. disclose a computer-implemented substitute fulfillment system that identifies and places floating workers for a plurality of different organizations, comprising:

a central server that processes information associated with a plurality of different organizations (col. 8, lines 15 – 23; reference number 11 in Figures 1 and 2);

a central database coupled to the central server, the central database including records that store substitute fulfillment data associated with each of the plurality of different organizations, wherein for each of the different organizations the fulfillment data includes worker records representing workers that may be absent from the organization and floating worker records representing floating workers that may be used to fill a position of an absent worker (col. 8, lines 15 – 23; col. 9, line 31 – col. 10, line 39; col. 11, lines 30 – 35; col. 11, line 62 – col. 12, line 3; col. 12, lines 26 – 62; reference number 11 in Figures 1 and 2);

a plurality of local processors that are remote from the central server, each of the local processors being associated with one of the different organizations and having a separate local database coupled thereto, wherein each local database is associated with one of the different organizations and includes worker records representing workers that may be absent from the organization and floating worker records representing floating workers that may be used to fill a position of an absent worker (col. 9, line 31 – col. 10, line 39; reference number 22 in Figure 2b);

wherein the central database maintains each of the records on each local database in parallel with a corresponding record on the central database by periodically updating the records on the local databases in response to data changes on the central database, and wherein each local database maintains records on the central database in parallel with corresponding records on the local database by periodically updating the records on the central databases in response to data changes on the local database (col. 8, lines 15 – 23; col. 9, line 31 – col. 10, line 39; col. 11, lines 30 – 35; col. 11, line 57 – col. 12, line 10; col. 12, lines 26 – 62; reference number 11 in Figures 1 and 2);

at least one telephone communication link coupled to the central server, wherein the telephone communication link provides information representing absent workers to the central server, the central server identifies one or more of the floating workers in response to the information representing absent workers, and the central server communicates information representing positions to be filled to floating workers via the telephone communication link or an internet communication link (col. 8, lines 38 – 46;

col. 12, line 26 – col. 13, line 4; col. 13, lines 51 – 65; col. 26, lines 44 – 54; col. 29, lines 46 – 52; reference number 41 in Figure 1; Figures 2 – 5); and

wherein the central server periodically transmits reports that include absentee and floater information to each of the different organizations via the telephone communication link or the Internet communication link (col. 3, lines 30 – 33; Figure 14; Figure 37; Figure 39; Figure 53; Figure 61; Figure 66; The reference enables users to view reports regarding absentee and substitute information by using the central server interface.).

As per claim 10, Donnelly et al. disclose a method of performing substitute fulfillment by finding floating workers for absentee workers in an organization, comprising the steps of:

providing an automated substitute fulfillment system remote from said organization (col. 8, lines 15 – 23; col. 9, line 31 – col. 10, line 39; col. 11, lines 30 – 35; col. 11, line 62 – col. 12, line 3; col. 12, lines 26 – 62; Figures 1 and 2);

initializing said substitute fulfillment system by creating a main database of stored floating workers fulfillment data records (col. 11, line 62 – col. 12, line 10; col. 12, lines 26 – 62; Figure 2);

notifying said floating worker fulfillment system of a worker absence (col. 13, lines 18 – 50; col. 14, lines 56 – 67);

automatically identifying floating workers who should be notified by said system (col. 9, lines 47 – 61; col. 13, lines 31 – 34; col. 14, lines 56 – 67; Figure 14);

automatically contacting a floating worker and relaying absent worker's position and location (col. 12, line 65 – col. 13, line 7; col. 13, lines 31 – 34 and 50 – 65; Figure 5);

notifying personnel in said organization of the results (col. 13, lines 14 – 17 and 31 – 34; col. 22, lines 22 – 35; Figure 30).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPlante, "Two school departments struggle to fill vacancies There's no substitute for a substitute *A residency requirement in Pawtucket is one factor making it difficult to cover all teacher vacancies."

As per claim 26, LaPlante discloses a method for performing substitute fulfillment for a plurality of different organizations comprising:

receiving absentee information representing an absent worker via at least one communication link (page 1, abstract; LaPlante discloses a school organization receiving information about absent teachers.);

generating in response to receiving the absentee information a list of one or more potential substitute workers who can fill in for the absent worker using worker records

Art Unit: 2163

having information associated with the absent worker and substitute records having information associated with at least one substitute worker (page 1, abstract; LaPlante discloses school communities that maintain lists of substitute teachers. In the same paragraph, LaPlante further discloses the school department maintaining information about the substitute teachers such as pay and the length of time of performing substitute work.); and

contacting potential substitute workers listed on the generated list until one of the substitute workers agrees to fill in for the absent worker or until the generated list is exhausted (page 1, abstract; LaPlante discloses calling the substitute teachers who are on a list.).

LaPlante does not expressly disclose contacting the substitute teachers until the list is exhausted, however, LaPlante does disclose the school organization having great opposition to leaving classrooms teacher-less (page 2, paragraph 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to contact substitute workers on a list until the list is exhausted because many organizations have policies prohibiting vacant positions and by contacting substitute workers until a list is exhausted ensures that the organization has taken all measures to prevent such an occurrence (LaPlante, page 2, paragraphs 1 – 3).

As per claim 27, a method for performing substitute fulfillment for a plurality of different organizations comprising:

receiving absentee list of one or more absent workers from an organization via at least one communication link (page 1, abstract; LaPlante discloses a school organization receiving information about absent teachers.);

generating in response to receiving the absentee list a list of one or more potential substitute workers who can fill in for each absent worker on the absentee list using worker records having information associated with the absent worker and substitute records having information associated with at least one substitute worker (page 1, abstract; LaPlante discloses school communities that maintain lists of substitute teachers. In the same paragraph, LaPlante further discloses the school department maintaining information about the substitute teachers such as pay and the length of time of performing substitute work.); and

contacting potential substitute workers listed on each of the generated lists until one of the substitute workers in each of the generated lists agrees to fill in for the absent worker or until the generated list is exhausted (page 1, abstract; LaPlante discloses calling the substitute teachers who are on a list.).

LaPlante does not expressly disclose contacting the substitute teachers until the list is exhausted, however, LaPlante does disclose the school organization having great opposition to leaving classrooms teacher-less (page 2, paragraph 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to contact substitute workers on a list until the list is exhausted because many organizations have policies prohibiting vacant positions and by contacting substitute workers until a list is exhausted ensures that the organization has

taken all measures to prevent such an occurrence (LaPlante, page 2, paragraphs 1 – 3).

13. Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over www.Usadecco.com and further in view of Hippel et al., "Temporary employment: Can organizations and employees both win?"

As per claim 28, www.Usadecco.com discloses a method for performing substitute fulfillment for a plurality of different organizations comprising:

generating a list of positions of absent workers that need to be filled by substitute workers on a website (pages 4 – 6);

receiving a response by a substitute worker selecting a posted position on the website via an Internet communication link (pages 7 and 8; Substitute workers can respond to job postings by selecting a job position and then choosing one of the contact options such as email or fax.); and

securing via the Internet communication link the substitute worker who selected the posted position to fill in for the absent worker (pages 7 and 8; Substitute workers can send and receive information concerning a job posting by email or fax.).

www.Usadecco.com does not expressly disclose receiving absentee information representing an absent worker via at least one communication link.

Hippel et al. disclose receiving absentee information representing an absent worker via at least one communication link (page 93, paragraph 2, Hippel et al. disclose substitute workers viewed as replacements for absent workers.).

Art Unit: 2163

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to receive absentee information representing an absent worker via at least one communication link because doing so provides a convenient and efficient means for workers to indicate to their place of employment future or current absences.

Double Patenting

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 11, 12, 18 – 20, 22, 23 and 25 are rejected under the judicially created doctrine of double patenting over claims 1 – 4 and 6 of U. S. Patent No. 6,334,133 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

- Claim 11 of the current application is a broader recitation of claim 1 of U. S. Patent No. 6,334,133;
- Claim 12 of the current application is a broader recitation of claim 1 of U. S. Patent No. 6,334,133;
- Claim 18 of the current application is a broader recitation of claim 2 of U. S. Patent No. 6,334,133;
- Claim 19 of the current application is a broader recitation of claim 3 of U. S. Patent No. 6,334,133;
- Claim 20 of the current application is a broader recitation of claim 4 of U. S. Patent No. 6,334,133;
- Claim 22 of the current application is a broader recitation of claim 6 of U. S. Patent No. 6,334,133;
- Claim 23 of the current application is a broader recitation of claim 6 of U. S. Patent No. 6,334,133;
- Claim 25 of the current application is a broader recitation of claim 1 of U. S. Patent No. 6,334,133.

Art Unit: 2163

16. Claims 6, 13 – 17, 21 and 24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. U. S. Patent No. 6,334,133. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 6, 13 – 17, 21 and 24 each contain obvious modifications to claim 1 of U.S. Patent No. U. S. Patent No. 6,334,133.

As per claim 6, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to notify personnel of an organization as to whether or not a substitute worker has agreed to cover an absence because the organization has accounting, billing and other human resource accommodations to prepare for the substitute worker.

As per claim 13, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the list of substitute workers include a preferred list of substitute workers because doing so would ensure that only individuals with appropriate and required credentials would be allowed to fill absent worker positions.

As per claim 14, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to transmit the generated list of absent workers to the organization via at least one communication link because doing so provides a vital means of making appropriate personnel aware of those workers who are absent and thus enabling personnel to take any necessary action as a result.

Art Unit: 2163

As per claim 15, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to generate a list of substitute workers and names of the absent workers who the substitute workers will be filling in for a given organization and to transmit the generated list of substitute workers and names of the absent workers to the given organization via at least one communication link because doing so provides a vital means of notifying appropriate personnel of those workers who are absent and the substitute workers who will be filling in for the absent workers and thus enabling personnel to take any necessary action as a result.

As per claim 16, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have an interactive voice response system interact with a potential substitute worker whereby the substitute worker is secured for filling in for the absent worker because doing so provides an automated, convenient and efficient means that does not require a human resource on the substitute fulfillment end for securing a substitute worker.

As per claim 17, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to receive and forward a message to the substitute worker who agrees to fill in for the absent worker because doing so enables communication to the substitute worker of any pertinent information relevant to the position.

As per claim 21, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the organizations be unaffiliated because

Art Unit: 2163

doing so would provide a broader reach of industries and therefore more customers for the substitute fulfillment system to serve.

As per claim 24, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the substitute workers be substitute teachers because the teaching industry has for a long time required the use of substitute teachers to fill in for both unexpected as well as expected absences of teachers.

Conclusion

17. No claims allowed.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Parad (U.S. 5,369,570) discusses a method for continuous real-time management of resources and their schedules;
- Kocur (U.S. 5,913,201) discusses an apparatus and computerized method of assigning workers to a plurality of work-projects;
- Stipanovich (U.S. 5,117,353) discusses a system for use in a temporary help business that schedules and monitors the work of temporary help workers;
- Castonguay et al. (U.S. 5,911,134) discuss a method for planning, scheduling and managing personnel in a varying work load environment;
- Srinivasan (U.S. 5,548,506) discusses a system that automates the tasks of project management coordination;

Art Unit: 2163

- Rassman et al. (U.S. 4,937,743) discuss a method and computer system for the prospective scheduling, monitoring and management of a plurality of resources;
- Hippel et al. "Temporary employment : Can organizations and employees both win?" discusses temporary employment agencies and their methodologies;
- Adecco [online], [retrieved on 2002-03-10]. Retrieved from the Internet: <URL: <http://www.Usadecco.com>>, is a temporary and full-time staffing agency that allows job seekers to view and select jobs via its web site;
- Poindexter, Joanne. "Teacher absence plan ok'd policy calls for using substitutes" discusses a county that is incorporating a new policy to recruit and obtain substitute teachers;
- LaPlante, Joseph. "New policy drafted to overcome shortage of substitute teachers" discusses a new policy for hiring substitute teachers;
- Givens, Ann. "Schools struggle to find substitute teachers" discusses calling substitute teachers on a list;
- LaPlante, Joseph. "Two school departments struggle to fill vacancies There's no substitute for a substitute *A residency requirement in Pawtucket is one factor making it difficult to cover all teacher vacancies" discusses calling substitute teachers on a list.

Art Unit: 2163

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

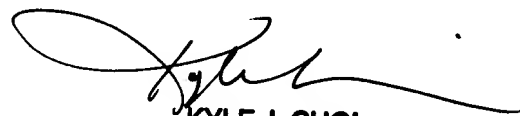
703-746-7238 [After Final Communication]

703-746-7239 [Official Communications]

703-746-7240 [For status inquiries, draft communication]

Hand delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA 4th floor receptionist.

CMC
CMC
March 8, 2002


KYLE J. CHOI
PRIMARY EXAMINER
Art Unit 2163